



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
MAR 19 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL 7009 1680 000 7663 6452
RETURN RECEIPT REQUESTED

Mr. Werner Langenstrass
President
CMP Associates, Inc.
1340 Howard Street
Elk Grove Village, Illinois 60007

Re: Notice of Violation
RCRA Compliance Evaluation Inspection – CMP Associates, Inc.
EPA I.D.: ILR 000 051 540

Dear Mr. Langenstrass:

On September 2, 2010, a representative of the U.S. Environmental Protection Agency inspected the CMP Associates, Inc. (CMP) facility, located at 1340 Howard Street in Elk Grove Village, Illinois. The purpose of the inspection was to evaluate CMP's compliance with certain provisions of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 *et seq.*, and its implementing regulations related to the generation, treatment and storage of hazardous waste. A copy of the inspection report was sent to you on April 23, 2012.

Based on information provided by CMP personnel, a review of records, and personal observations made by the inspector at the time of the inspection, EPA has determined that CMP is in violation of hazardous waste regulations in the Illinois Administrative Code (IAC) and in corresponding provisions in the United States Code of Federal Regulations (CFR), as specified below.

To be eligible for the exemption from having a hazardous waste storage permit, CMP must be in compliance with the conditions of 35 IAC § 722.134(a) and (d); [40 CFR § 262.34(a) and (d)]. Based on the information currently available to us, we find that CMP is not in compliance with the following conditions for a hazardous waste storage permit exemption, and violated the following requirements:

1. A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that, while being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste." *See*, 35 IAC § 722.134(d)(4); 35 IAC § 722.134(a)(3) [40 CFR § 262.34(d)(4); 40 CFR § 262.34(a)(3)].

- a. According to CMP's May 8, 2012 response to EPA's information request, dated April 23, 2012, CMP was storing hazardous waste in the evaporator, which meets the definition of a tank, as defined in 35 IAC § 720.110 [40 CFR § 260.10], without the words, "Hazardous Waste," labeled or marked clearly on the tank. CMP was storing hazardous waste periodically in this evaporator from the date of the inspection to January 28, 2013, the date that the material being stored in the evaporator was demonstrated to be non-hazardous. *See*, CMP's April 9, 2013 information request response, Response #12, page 4.
- b. In addition, at the time of the inspection, CMP was storing hazardous waste in the sulfuric anodizing line containment tank, which also meets the definition of a tank, without the words, "Hazardous Waste," labeled or marked clearly on the tank.

Therefore, CMP failed to comply with the above-referenced condition for a permit exemption.

2. A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that each tank is marked clearly with the words, "Hazardous Waste." *See*, 35 IAC § 722.134(d)(4); 35 IAC § 722.134(a)(3) [40 CFR § 262.34(d)(4); 40 CFR § 262.34(a)(3)]. In addition, a generator of hazardous waste must ensure that the date upon which each period of accumulation begins is clearly marked or visible on the tank.
 - a. From the date of the inspection to January 28, 2013, CMP was storing hazardous waste in the evaporator, which meets the definition of a tank, as defined in 35 IAC § 720.110 [40 CFR § 260.10], without a date of accumulation marked and visible for inspection on the tank.
 - b. In addition, at the time of the inspection, CMP was storing hazardous waste in the sulfuric anodizing line containment tank, which also meets the definition of a tank, without a date of accumulation marked and visible for inspection on the tank.

Therefore, CMP failed to comply with the above-referenced condition for a permit exemption.

3. Generators of between 100 and 1000 kilograms of hazardous waste per month must inspect, where present, discharge control equipment, data gathered from monitoring equipment, and the level of waste in the tank at least once per operating day. *See*, 35 IAC § 722.134(d)(3); 35 IAC § 725.301(c)(1) through (c)(5) [40 CFR § 262.34(d)(3); 40 CFR § 265.201(c)(1) through (c)(5)]. Generators who accumulate between 100 and 1000 kilograms of hazardous waste per month in tanks or tank systems that have full secondary containment and that either use leak detection equipment to alert facility personnel to leaks, or implement established workplace practices to ensure leaks are promptly

identified, must inspect at least weekly, where applicable, the areas identified in paragraphs (c)(1) through (c)(5) of 40 CFR § 265.201(c). Use of the alternate inspection schedule must be documented in the facility's operating record. This documentation must include a description of the established workplace practices at the facility. *See*, 35 IAC § 725.301(d) [40 CFR § 265.201(d)].

- a. At the time of the inspection, CMP was storing hazardous waste in the evaporator and in the sulfuric anodizing line containment tank. Although they were inspecting the sulfuric anodizing line containment tank on a daily basis, they were not inspecting: 1) the level of waste in the evaporator to ensure compliance with §265.201(b)(3); 2) the construction materials of the evaporator; and, 3) the construction materials of, and the area immediately surrounding, discharge confinement structures of the evaporator, on a weekly basis.
- b. In addition, CMP was not documenting the use of the alternate inspection schedule and had not described the established workplace practice.

Therefore, CMP failed to comply with the above-referenced condition for a permit exemption.

4. A person who generates a solid waste, as defined in 40 CFR § 261.2, must determine if that waste is a hazardous waste. *See*, 35 IAC § 722.111 [40 CFR § 262.11].

- a. At the time of the inspection, CMP was storing solid material in the sulfuric anodizing line containment tank, along with hazardous waste. CMP has shipped this solid material off-site as a non-hazardous material based on an analysis performed by SET Environmental, Inc. on December 15, 2009. The pH listed on the analysis is 1.6, which is less than 2. A pH of less than 2 would exhibit the characteristic of corrosivity, and this material would thus be considered a hazardous waste.
- b. CMP has not provided any documentation that would show that this solid material would not be aqueous, would not be corrosive and would not be mixed with the known hazardous waste that is stored in the sulfuric anodizing line containment tank.

Therefore, CMP failed to comply with the above-reference requirement for a generator of hazardous waste and has failed to determine if this solid material is a hazardous waste.

5. A small quantity generator that accumulates hazardous waste on-site and does not meet the conditions for a permit exemption of 35 IAC § 722.134 and 40 CFR § 262.34 is an operator of a hazardous waste storage facility, and is required to obtain an Illinois hazardous waste storage permit. *See*, 35 IAC § 722.134(d) [40 CFR § 262.34(d)]. Upon failing to meet the conditions identified in item numbers 1 and 2 above, CMP's

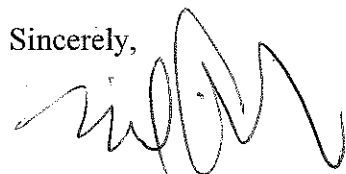
failure to apply for and obtain a hazardous waste storage permit violated the permitting requirements of 35 IAC §§ 703.121 and 702.123 [adopting 40 CFR §§ 270.1(c) and 270.10].

At this time, EPA is not requiring CMP to apply for an Illinois hazardous waste storage permit, provided that CMP immediately complies with the conditions for an exemption set forth in the regulations identified above.

Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), EPA may issue an order assessing a civil penalty for any past or current violations and requiring compliance immediately or within a specified time period. Although this letter is not such an order, we request that you submit a response in writing to this office no later than thirty (30) days after receipt of this letter documenting the actions, if any, which you have taken since the inspection to establish compliance with the above requirements.

You should submit your response to Jamie L. Paulin, U.S. Environmental Protection Agency, Region 5 (LR-8J), 77 West Jackson Boulevard, Chicago, Illinois 60604. If you have any questions regarding this letter, please contact Ms. Paulin, of my staff, at (312) 886-1771.

Sincerely,



for Gary J. Victorine, Chief
RCRA Branch

cc: Todd Marvel, Illinois Environmental Protection Agency (todd.marvel@illinois.gov)